

One Minute Memo®



Philadelphia's Fair Chance Hiring Law Poster

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Seyfarth Synopsis in a Second: As of March 14, 2016, employers in Philadelphia are required to post a new poster on their website and premises and are prohibited from inquiring about an applicant's criminal background during the job application process.

Philadelphia's Fair Chance Hiring Law, which was passed on December 15, 2015 to amend the city's "Ban the Box" law (reported [here](#)), took effect on **March 14, 2016**. Per the new law, the Philadelphia Commission on Human Relations (the "Commission") issued a poster (found [here](#)) that summarizes the major tenets of the Fair Chance Hiring Law, and which must be posted on the employer's website and premises in locations where it is most likely to be noticed by applicants and employees. Employing the title "Ensuring People with Criminal Records Have a Fair Chance to Work," the poster highlights what all employers with at least one employee in Philadelphia are now subject to (with the exception of in-home domestic services):

- It is illegal for employers in Philadelphia to ask about criminal background during the job application process or job interview;
- Employers can run a criminal background check ONLY AFTER a conditional offer of employment is made;
- Criminal convictions can be considered ONLY if they have occurred less than 7 years from the time of application (not counting time of incarceration);
- Arrests that did not lead to conviction cannot be used in employment decisions;
- If a conviction is revealed, employers must consider the type of offense and the time that has passed since it occurred; its connection to the job for which an individual applied; and the applicant's job history, character references and any evidence of rehabilitation;
- Employers can reject an applicant based on criminal record ONLY if an individual poses an unacceptable risk to the business or to other people;
- If an individual is rejected, the employer must send its decision in writing to the applicant with a copy of the background report used to make that decision; and
- The rejected applicant has 10 days to provide an explanation of his or her record, proof that it is wrong or proof of rehabilitation.

To the extent they have not already done so, employers with at least one employee in Philadelphia should review their pre-offer criminal background screening process to ensure compliance with Philadelphia's Fair Chance Hiring Law. Additionally, the mandatory poster should be placed conspicuously on websites and premises where applicants and employees are most likely to notice the poster.

If you have any questions, please contact your Seyfarth attorney, [Pamela Q. Devata](mailto:PDevata@seyfarth.com) at PDevata@seyfarth.com, [Robert T. Szyba](mailto:RSzyba@seyfarth.com) at RSzyba@seyfarth.com or [Stacey L. Blecher](mailto:SBlecher@seyfarth.com) at SBlecher@seyfarth.com.

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